

US authorities detain immigrants in solitary confinement

Niles Williamson
27 March 2013

The United States Immigration and Customs Enforcement agency (ICE), in gross violation of democratic and human rights, routinely subjects a significant number of detainees to conditions that meet the United Nations definition of torture.

Immigrants held in ICE detention facilities are being subjected to indefinite detention and prolonged solitary confinement. As those held in detention by ICE are facing civil, rather than criminal charges, the supposed purpose of indefinite detention is not to punish immigrants but rather to ensure that the accused appear at their administrative hearing.

A report by the Investigative Reporting Workshop revealed that on any given day approximately 300 immigrants are being held in solitary confinement in 50 of ICE's largest detention facilities. Those held in isolation account for 10 percent of ICE's daily detainee population. These individuals, along with the approximately 34,000 other immigrant workers held in ICE's expansive system of more than 250 detention facilities, are being punished for the simple fact that they were not born in the United States.

Juan Mendez, the United Nations special rapporteur on torture, has stated that under certain circumstances solitary confinement can "constitute cruel and inhumane, degrading treatment, and under worst circumstances, it can constitute torture, because it produces a kind of mental pain and suffering." These circumstances include the use of solitary confinement as a punishment in pre-trial detention, when it is used indefinitely or for prolonged periods, and when it is used on juveniles and individuals with mental disabilities.

Solitary confinement is defined by the rapporteur as the physical and social isolation of individuals who are confined for 22 to 24 hours a day. After 15 days in

social isolation individuals begin to exhibit irreversible psychological damage. Solitary confinement can exacerbate problems in those with preexisting mental disabilities. The list of adverse psychological effects of solitary confinement is quite extensive, including extreme anxiety, depression, outbursts of anger, lack of concentration, memory loss, hallucinations, paranoia and psychotic episodes.

These effects can lead detainees to harm themselves, by cutting and self-mutilation, up to suicide. Approximately half of prison suicides in the United States occur while the individual is held in solitary confinement. Since 2003 there have been 13 suicides by individuals in ICE detention facilities; government data is not clear how many of these occurred in isolation cells.

Half of the detainees in solitary confinement have been held there for more than 15 days. Thirty-five detainees have been kept in isolation for more than 75 days. These detainees are kept in complete isolation for 22 or 23 hours a day, often in windowless 6 by 13 foot cells. Access to phone communication with lawyers and loved ones is limited to the middle of the night, when it is likely that people will be unavailable. Recreation is limited in some detention facilities to one hour a day in small indoor enclosures resembling dog kennels, referred to by detainees as "the cage."

ICE officials claim that solitary confinement is generally reserved for detainees with a criminal record, gang affiliations, or a history of violence and is utilized as a last resort. Those who have been held in prolonged solitary confinement include gay, lesbian, and transgender immigrants along with the mentally ill and uncooperative detainees. Federal officials justify the isolation of these individuals as a measure to protect them from being harmed by other detainees.

Delfino Quirzo, a gay immigrant from Mexico, suffered from severe depression after being held in supposedly protective solitary confinement for four months. Rashed BinRashed, an immigrant from Yemen seeking asylum, was held in prolonged solitary confinement after refusing to eat because he desired to fast for Ramadan. A female detainee was sent to an isolation cell after she was found to have peanut butter and a packet of Kool Aid in her cell.

Since 2005 the population of immigrant detention centers has increased dramatically. Under the Obama administration ICE has stepped up the detention and deportation of immigrants, deporting more than 396,000 people in 2011. The average number of people in immigration detention rose by more than 70 percent, from just under 20,000 in 2005 to approximately 34,000 in 2012.

In 2011 nearly 41 percent of those held in detention were not accused of any criminal offense. A further 16 percent had been picked up for low-level criminal offenses, including drunken driving, drug possession, and minor traffic violations. Regardless of whether or not they are accused of a crime, detainees are typically held indefinitely as their cases work their way through the ICE bureaucracy. These people must wait for months on end to hear whether they will be deported or allowed to stay in the United States. This cruel form of indefinite detention is utilized by the federal government to pressure immigrants into voluntarily signing deportation papers.

In a recent case, Ivan Stobert, a Moldovan national who had obtained permanent legal status in 2008, was picked up by ICE at the end of 2010. He was held in the notorious Etowah facility in Alabama for nearly a year after mistakenly identifying himself as a US citizen on an application for a motorcycle license. While he was detained Stobert lost his home to foreclosure, his wife left him, and his cleaning business went bankrupt. Despite securing release from detention, Stobert is still subject to the prospect of deportation.



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